HIGH COURT OF TRIPURA
AGARTALA
L.A APP NO.06 OF 2023

The Managing Director TIDC

…… **Appellant**(**s**)

Vs.

Sri Raju Das and ors

……. **Respondent**(**s**)

For the Petitioner(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. T. Chakraborty, Advocate.

For the Respondent(s) : None.

Date of hearing and delivery of
Judgment & Order : 02.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present appeal has been filed against the Judgment and award dated 26.08.2019 passed by learned L.A. Judge, (Court No.3), West Tripura, Agartala in Case No.MISC.(L.A) 06 of 2016.

2. The brief fact of this case is that compensation of the acquired land (2.37 acres) was assessed by the L.A. Collector @ Rs.1,50,000/- per acre and also assessed additional compensation @ 30% solatium and interest @ 12% per annum w.e.f. 29.01.2010 to

30.12.2011 and by this way Rs.5,43,379/- only was awarded in favour of the referring claimant.

3. Being aggrieved/dissatisfied with the land valuation, the claimant approached the L.A. Court for a re-assessment of the market value. The reference case was registered as Case No.MISC.(L.A) 06 of 2016 and was tried by the learned L.A. Judge, (Court No.3), West Tripura, Agartala.

4. After the trial the learned reference Judge passed the judgment and award dated 26.08.2019 in the following terms:-

> *"In the result, the petition under Section 18 of the Land Acquisition Act, 1894 as referred by the L.A. Collector, West Tripura, Agartala is allowed on contest. The referring claimant Sri Raju Das is entitled to get compensation for the acquired land at the rate of Rs.7,00,000/- per kani(Rupees seven lacs) per kani. The compensation shall be added with 30% solatium under Section 23(2) of the L.A. Act and 12% interest under Section 23(i)(A) from the date of notification under Section 4 of the said Act till the date of taking over the possession of the acquired land or the date of award whichever is earlier. The interest on the amount of compensation and solatium shall be at the rate of 9% per annum over the enhanced amount given for land from the date of taking over the possession, till one year and @ rate of 15% per annum from the date of expiry of 1(one) year till the date of payment of the enhanced amount of compensation. The amount so paid earlier as compensation under Section 11 of the L.A. Act shall be adjusted with the amount awarded by way of enhancement."*

5. Heard Mr. B.N. Majumder, learned Sr. counsel assisted by Mr. T. Chakraborty, learned counsel appearing for the appellant.

6. Mr. B.N. Majumder, learned Sr. counsel appearing for the appellant submits that there is no consideration for ascertaining the amount of compensation by the learned Court below. The compensation has been fixed whimsically by the

learned Court below. No reason has been given why the learned L.A. Judge enhanced the compensation for the acquired land from Rs.60,000/- per kani to Rs.7,00,000/- per kani.

7. Heard both sides and perused the evidence on record.

8. It is seen from the record that the learned L.A. Judge while enhancing the compensation of the acquired land from Rs.60,000/- per kani to Rs.7,00,000/- per kani has not given any reason or it is not based upon any exhibit or document. As such, according to this Court, the order dated 26.08.2019 is an unreasoned order and the same is liable to be set aside and remanded back for proper adjudication of the same. Accordingly, the matter is remanded back to the learned L.A. Judge for proper adjudication of the matter. The same is to be considered as expeditiously as possible by the learned Court below.

9. With the above observation and direction, this present L.A. appeal stands disposed of. As a sequel, stay if any stands vacated. Pending(s) application if any also stands closed.

JUDGE

suhanjit